

United States District Court  
for the  
Southern District of Texas

FILED  
NOV 04 2020

United States of America  
Plaintiff

David J. Bradley, Clerk of Court

v.

Warren Brown II  
Defendant

Place of Confinement: USP Beaumont  
Inmate Number - 19914-104  
Case Number: 4:18CR000691-001(S)

MOTION FOR REDUCTION OF SENTENCE  
PURSUANT TO 18 U.S.C. § 3582(c)(1)(A) OF THE FIRST  
STEPACT ; CARES ACT

Now Comes the DEFENDANT, Warren Brown II, pro se, and files this motion for a reduced sentence under section 3582 (c)(1)(A) in light of the Cares Act.

Brown Respectfully Request Leniency in Presenting this Motion due to the fact that he is not a lawyer, but trust that in the Court's Judicial Benevolence it apply all the benefits of the "Liberal Construction Standard". See Haines v. Kerner, 404 U.S. 519 (1979) (explaining courts application of the Liberation Construction Standard on behalf of prose litigants, as opposed to the standard applicable to litigation of professional attorneys).

Mr. Brown Also Reminds the Court that the Pleadings Submitted and Presented hereinafter should be construed so as to do substantial justice in this case. See Rule 8(e)

Congress, through the First Step Act, has now made the decision that the Court can reduce Brown's sentence. Under the First Step Act, it is for the Court, not the Director of the Bureau of Prisons, to determine whether there is an "Extraordinary and Compelling Reason" to reduce a sentence.

Brown is Currently Serving A Seventy-Eight Month Sentence for Felon in Possession of Firearm in violation of 18 U.S.C. § 922(g)(1). On August 26, 2019 Mr. Brown pled guilty to count one of the Indictment. Felon in Possession of Firearm.

On December 18, 2019 the Court Sentenced Mr. Brown to Seventy-Eight (78) Months, Three (3) Years Supervised Release, a Hundred (\$100) dollar Special Assessment Fee and No Fine. Mr. Brown is Currently Serving this Sentence.

As the Court is Aware, the First Step Act allows an inmate to file for relief if there are "extraordinary and compelling circumstances" to warrant such a reduction. Several Courts have determined that the lack of updated policy from the sentencing commission give them the ability to determine what "extraordinary and compelling circumstances" means. In the past the courts have determined that the lack of medical care and the change

of certain laws have constituted extraordinary and compelling circumstances.

Some of the Courts have determined that they have the ability to reduce the sentence of a person who has "extraordinary and compelling circumstances", is not a danger to others and who release is warranted to upon analysis of the "3553 Factors". Several Courts have determined that COVID-19 could be an extraordinary or compelling circumstances, even in situations with inmates who have already tested positive for COVID-19. This has been because of a lack of social distancing and the high amount of elderly inmates inside.

During this Public Health Crisis, there are currently over a hundred (100) positive cases of COVID-19 that are spreading and growing rapidly throughout this entire FCC Beaumont USP facility. There have been dozens of Positive Cases of COVID-19 in multiple units DEFENDANT Brown has stayed in, and there have been dozens of newly arrived inmates transferred who are unsure of their Current Covid Status here at FCC Beaumont USP as well. The Seventy-Eight Months Ordered by the Court could Very Quickly and Easily Transition to a Death Sentence during this Public Health Crisis. A lack of Medical Care, No Possibility of Social Distancing, and COVID-19 spreading dangerously and rapidly throughout

the Prison Facility are all "extraordinary and compelling circumstances". Mr. Brown is also not a Danger to others and release is warranted to upon analysis of the "3553 Factors".

Wherefore, based on the foregoing arguments and authorities, I Pray that the Court Grant me Relief for which I may be entitled in this proceeding and any other and further Relief which this Court deems just and fair.

Respectfully Submitted on October 23, 2020

COPY: FILE



Warren Brown II

Reg No. 19914-104

USP Beaumont

P.O. Box 26030

Beaumont, Tx 77720

BMPE2 \*  
PAGE 001 OF 001 \*

INMATE EDUCATION DATA  
TRANSCRIPT

\* 05-08-2020  
\* 09:51:59

REGISTER NO: 19914-104  
FORMAT.....: TRANSCRIPT

NAME...: BROWN  
RSP OF: BMP-BEAUMONT USP

FUNC: PRT

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
BMP	ESL HAS	ENGLISH PROFICIENT	01-28-2020 0001	CURRENT
BMP	GED HAS	COMPLETED GED OR HS DIPLOMA	01-28-2020 0001	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
HOU M	THRESHOLD PRMG INMPRGMCATL	10-03-2019	11-21-2019	P	C	P	45
HOU M	HOUSES OF HEALING INMPRGMCATAL	10-04-2019	10-31-2019	P	C	P	24
HOU M	RPP#6-OVERCOMING ANXIETY-PSYCH	10-24-2019	10-31-2019	P	C	P	10
HOU M	STOP SMOKING PROGRAM	10-31-2019	11-15-2019	P	C	P	10
HOU M	OVERCOMING DEPRESSION-PSYCH GR	10-16-2019	10-24-2019	P	C	P	10
HOU M	GOOD DECISIONS	10-10-2019	10-16-2019	P	C	P	10
HOU M	UNDERSTANDING FEELINGS	10-02-2019	10-10-2019	P	C	P	10
HOU M	RPP#6 SELF ESTEEM -PSYCH GRP	09-13-2019	10-02-2019	P	C	P	10
HOU M	UNDERSTANDING BEHAVIOR	09-06-2019	09-13-2019	P	C	P	10
HOU M	POSITIVE OUTLOOK	08-28-2019	09-06-2019	P	C	P	10
HOU M	RPP#6 - CAGE YOUR RAGE	07-10-2019	08-28-2019	P	C	P	10

BMPAC 531.01 \*  
PAGE 001 OF 001 \*

INMATE HISTORY  
DRUG PGMS

\* 05-11-2020  
\* 12:44:29

REG NO...: 19914-104 NAME.....: BROWN, WARREN II  
CATEGORY: DRG FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
BMP	DAP REFER	DRUG ABUSE PROGRAM REFER	03-30-2020 1055	CURRENT
BMP	NR COMP	NRES DRUG TMT/COMPLETE	01-08-2020 0855	CURRENT
BMP	DAP SCREEN	DRUG ABUSE PROGRAM SCREENING	02-19-2020 0644	03-30-2020 1055
BMP	DAP REFER	DRUG ABUSE PROGRAM REFER	01-31-2020 0801	02-19-2020 0644
HOU	NR PART	NRES DRUG COUNSEL PARTICIPANT	08-23-2019 0909	01-08-2020 0855

G0000

TRANSACTION SUCCESSFULLY COMPLETED



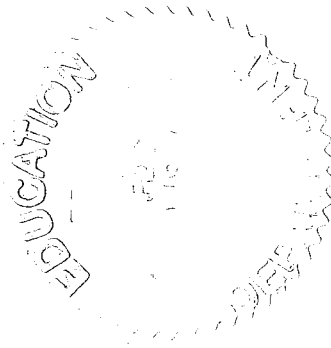
# CERTIFICATE OF ACHIEVEMENT

WARREN BROWN

"Raising Children You Can Live With"  
Independent Study Parenting Course

5<sup>TH</sup> of November 2019

  
R. Bustamante Jr.  
Supervisor of Education



CERTIFICATE OF SERVICE

I hereby certify that on this 23 day of OCTOBER, 2020, A True and Correct Copy of the Foregoing was mailed to the Clerk of the Court for the Southern District of Texas for uploading in the CM/ECF System, which shall send electronic notification to the following:

United States Attorney's Office  
Houston Division



Warren Brown II

Warren Brown #19914-104  
FCC Beaumont USP  
P.O. Box 26030  
Beaumont, TX 77720

United States District Court  
Southern District of Texas  
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David J. Bradley, Clerk of Court

AFSN 6 N 11/02/20  
MON 02 NOV 2020



Clerk of Courts  
United States Courthouse  
515 Rusk St.  
Houston, Tx 77002

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